

WARNING!
PRIVATE PROPERTY
NO
TRESPASSING
 Violators Will Be Prosecuted

By Elizabeth
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Picture it: You're out working in your kennel when you look up to see someone walking up your drive to the kennel. You don't recognize the person and before you have time to react, he walks right up to your kennel and starts taking

pictures. What do you do?

Recently this scenario has become more common at commercial facilities throughout the country. A number of factors have led to this including the newfound prominence of private humane organizations in political arenas and increased media coverage of commercial producers. One example is the airing of footage of multiple commercial facilities on the Oprah Winfrey Show in 2008. On youtube.com, a quick search showed a variety of content related to commercial breeders including some footage of Missouri breeders & pet retailers taken by activists in non-public areas of these facilities.

While increased consumer awareness of unscrupulous breeders can be a positive for the commercial breeding industry, it carries some significant risks. Today's kennel operator must be aware of these risks and work diligently to prevent problems in their facility. Ben Franklin once said that an ounce of prevention is worth a pound of cure. In a kennel setting, a dollar spent on prevention could prevent spending hundreds more on a solution.

Disease transmission and social activism are the biggest potential risks to your facility. The probability of these risks occurring can be greatly reduced by implementing a basic biosecurity plan and taking some standard precautions.

The most common hazard is disease transmission. Diseases can be transmitted accidentally even by the most well-intentioned visitors. When we go out in public, we come in contact with all sorts of different contaminants that risk our health and our animals. In light of the recent flu outbreak, the CDC has reminded us of the importance of proper hand-washing.

When dealing with animal diseases, it is necessary to think about other transmission vectors such as your shoes. If you walk through a store, you may come in contact with debris from someone else's shoes. What if that person has a parvo puppy at home, and you wear those shoes into your whelping area? You could transmit that disease to your animals.

The easiest prevention of accidental disease transmission by people who regularly enter your kennel is to completely cover or change out of your street clothes and thoroughly wash your hands before entering kennel areas. It is wise to keep a box of shoe protectors or spare boots on hand for occasional visitors.

Government inspectors should always wear disposable shoe covers. Visitors should wash their hands or use an instant sanitizer before and after handling any animal.

Let's go back to our original scenario: a stranger on your property taking pictures of your kennel. Preventing this from occurring in the first place is simpler than dealing with the potential consequences of the encounter.

First, make sure that your facility can not be viewed from any public place or another person's property. Consider installing at least a 7 foot tall privacy fence around your kennel area. One might think a 6 foot fence would be sufficient, but the definition of plain sight does not limit the height of the viewer. For example, if you install a 6 foot fence, and the person looking over your fence is 6' 6" tall, your kennel may now be considered in plain sight.


Second, post "No Trespassing" signs prominently at all entries to your property as well as around your kennel area. If possible, install a physical barrier such as a gate to completely prevent access to your property without notifying you before entry. Your kennel area should be posted as a biosecurity area.

Unfortunately, you didn't have these protocols in place before your unwelcome visitor made his appearance. Now what? At this point, your response depends on your comfort level. If you feel physically intimidated, frightened or have any concerns for your safety, immediately contact your Sheriff.

Once you are certain your personal safety is not in jeopardy, document who the visitor is and determined whether he has any reason to be on your property.

Let's say the visitor claims to be a federal or state inspector. Before allowing the individual access to your facility, ask for identification. All inspectors should carry government issued photo identification. If there is more than one individual, make sure that you verify the identities of all individuals in the party. If you find that one or more members of the group are not government inspectors, you do not have to allow the





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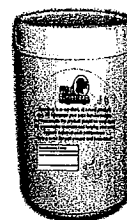
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unauthorized individual access to your facility. However, to protect your interests and license status, be sure to document the identities of all members of the group and contact the regulating agency's office to report that unauthorized individuals were brought to your facility by the inspector. Ask the inspector to complete an inspection report and document on the report all individuals present at the inspection including the unauthorized individuals. Make sure that you have a copy of the completed report prior to their departure.

If the unwelcome visitor is not a government representative and has no other valid reason for being on your property, ask him to leave. If he refuses, ask again firmly. If he refuses again, contact your Sheriff to report that you have a trespasser who is unwilling to leave. Under no circumstances should the visitor be left alone. Be sure to make note of the physical appearance of the individual. If you can see their vehicle, note the license plate number as well as a vehicle description. If possible, photograph the person and his vehicle. Sample forms for these incidents can be found at www.mofed.org/Property-owners.htm.

No one has the right to enter your kennel without permission or a warrant. This includes duly appointed law enforcement officials such as the county Sheriff. If you are state and/or federally licensed, inspectors from

USDA and state agencies with similar programs can access your facility with your permission while you are present to perform routine annual inspections and in response to complaints. While you can refuse inspection by these agencies, this is most likely not in your best interests as it could lead to violations and/or sanctions for refusing access.



It is important to note that Missouri Department of Agriculture inspectors do not have the authority to investigate any potential violation of RSMo 578 which covers animal abuse and neglect. Their statutory authority is limited to enforcing the provisions of the Animal Care Facility Act (RSMo 273.325-273.357) which regulates companion animals entered into commerce. However, if during inspection, violations of RSMo 578 are found, the agency can refer the information to the Sheriff's department for investigation of any criminal allegations.

Some private humane organizations purport to have the authority to inspect your kennel. These "investigators" will often arrive at your property wearing a badge with the Sheriff's department in tow. Such "investigators" have absolutely NO legal authority to do anything. They are private individuals no different than you. Unfortunately, anyone can buy a badge on the internet these days. **Remember, no one is responsible for protecting your property but you!**